

SENATE BILL 3099
By Cohen

AN ACT to amend Tennessee Code Annotated, Title 29,
Chapter 3, Part 1, relative to abatement of
nuisances.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 29-3-101, is amended by deleting subsection (c) in its entirety and by substituting instead the following language:

(c) All realty, motor vehicles, furnishings, fixtures, equipment, moneys and stock, used in or in connection with the maintaining or conducting of a nuisance, are subject to seizure, immediately upon detection by any law enforcement officer or code enforcement officer authorized to investigate public nuisances and are subject to forfeiture to the state by order of a court having jurisdiction upon application by any of the officers or persons authorized by §29-3-102, to bring action for the abatement of such nuisance; provided, that seizure for the possession of obscene matter shall be in accordance with §§39-17-901 - 39-17-908, and seizure for violations of §§39-17-1003 - 39-17-1005 shall be in accordance with §§39-17-1006 and 39-17-1007. Any property so forfeited shall be disposed of by public auction or as otherwise provided by law.

SECTION 2. Tennessee Code Annotated, Title 29, Chapter 3, Part 1, is amended by deleting §29-3-103 in its entirety and by substituting instead the following language:

Section 29-3-103. When a public nuisance, as defined in §29-3-101, is kept, maintained, carried on, or exists in any county, a bill or petition may be filed in any chancery, circuit, or criminal court and any court designated as an environmental court pursuant to Chapter 426 of the Public Acts of 1991 to abate the public nuisances defined in §29-3-101 and §29-3-116 of such county, in the name of the state, by and upon the

relation of the respective officers or persons named in §29-3-102, against the person keeping, maintaining, or carrying on such nuisance, and all aiders and abettors therein, and the owners, proprietors, or agents or persons or corporations in charge or control of the building or place wherein such nuisance exists, for the purpose of having such nuisance abated and permanently discontinued.

SECTION 3. Tennessee Code Annotated, Section 29-3-110, is amended by deleting the following language:

which order shall direct the removal from the building or place where such nuisance exists or is maintained, of all means, appliances, fixtures, appurtenances, materials, supplies, and instrumentalities used for the purpose of conducting, maintaining, or carrying on the unlawful business, occupation, game, practice or device constituting such nuisance;

and by substituting instead the following language:

which order shall direct the removal from the building or place where such nuisance exists or is maintained, of all means, appliances, fixtures, appurtenances, materials, supplies, and instrumentalities, or in the case of realty, the removal of any building or structures, used for the purpose of conducting, maintaining, or carrying on the unlawful business, occupation, game, practice or device constituting such nuisance;

SECTION 4. Tennessee Code Annotated, Title 29, Chapter 3, Part 1, is amended by adding the following language as a new section:

Section 29-3-116. The existence of a vacant structure in any municipality or county which is unfit for human occupation or use due to dilapidation, defects increasing the hazards of fire, accident or other calamities, lack of ventilation, light or sanitary facilities, or due to other conditions rendering such structures unsafe or unsanitary, or

dangerous or detrimental to the health, safety or morals, or otherwise inimical to the welfare of the residents of the municipality or county, which has been cited by any municipal or county code enforcement agency, and found in violation of the municipal or county ordinance three (3) or more times in the last eighteen (18) months for violations related to habitability of the structure as described in this section is hereby declared to be a public nuisance, and the same may be abated under any procedure now provided by law for the abatement of any public nuisance, and such abatement may be accomplished by injunction; provided, however, that this provision shall only apply vacant properties.

SECTION 5. This act shall take effect July 1, 2006, the public welfare requiring it.